

## UNITED STATES DISTRICT COURT

United States District Court  
Southern District of Texas  
FILED

for the

JUN 16 2021

Southern District of Texas

Nathan Ochsner, Clerk

United States of America )  
v. )  
Brendalit HERNANDEZ Alvarado )  
YOB: 1978 )  
COB: Mexico )

Case No. 7:21mj1329-1

Defendant(s)

## SEALED CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 17, 2020 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

18 USC 554

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: approximately 5,000 rounds of Wolf 7.62x39mm ammunition, and a Stoecker Cougar 9mm pistol, as defined by the Commerce Control List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 50, United States Code, Section 4819(2), and Title 15, Code of Federal Regulations, Section 730 et seq., all in violation of Title 18, United States Code, Section 554

18 USC 2

Whoever commits an offense against the U.S., or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal

This criminal complaint is based on these facts:

See ATTACHMENT "A"

☒ Continued on the attached sheet.

Approved by AUSA Colton Turner

/s/ William A. Hartley

Complainant's signature

Submitted by reliable electronic means, sworn to  
and attested to telephonically per Fed. R. Cr. 4.1,  
and probable cause found on:

William A. Hartley, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: June 16, 2021@ 6:04 PM

Judge's signature

City and state: McAllen, Texas

Honorable J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT "A"**

I, William A. Hartley, am a Special Agent with Homeland Security Investigations (HSI) and have knowledge of the following facts. The facts related in this attachment do not reflect the totality of information known to me or other Agents/Officers, but merely the amount needed to establish probable cause. I do not request that this Court rely upon any facts not set forth herein in reviewing this attachment in support of the Complaint.

On December 17, 2020, I arrested Juan Marvin GARCIA (hereinafter referred to as "GARCIA") for violations of Title 18 United States Code (USC) 554 Smuggling Goods from the United States and Title 18 USC 2 Aiding and Abetting. GARCIA was found to be driving a vehicle containing 5,000 rounds of Wolf 7.62x39mm ammunition, 4,000 rounds of TulAmmo 7.62x39mm ammunition, 2,080 rounds of an unknown manufactured 7.62x39mm ammunition, 1,000 rounds of Monarch 7.62x39mm ammunition, 720 rounds of an additional unknown manufactured 7.62x39mm ammunition, 150 rounds of Remington UMC 38 Special ammunition, 60 rounds of Federal Premium .223 ammunition, a Stoeger Cougar 9mm Pistol, and a Stoeger Cougar 9mm Pistol Magazine (hereinafter the contraband). GARCIA stated that he had knowledge that the contraband would be smuggled into Mexico at a later time by an unknown individual.

Upon the interview of GARCIA on December 17, 2020, under Miranda Rights advisement and waiver, GARCIA stated that an individual, in the Dallas, Texas area contacted him regarding transporting the ammunition from the Dallas, Texas area to the Hidalgo, Texas area. GARCIA stated he brought the vehicle to the address in the Dallas, Texas area and dropped it off while the ammunition was being loaded into the vehicle. GARCIA was then instructed to pick up the vehicle and drive it from the Dallas, Texas area to a parking lot located within close proximity to the Hidalgo, Texas Port of Entry (POE). GARCIA was instructed to drop the vehicle off in the parking lot, and then contact an individual in Mexico advising that the vehicle was there. GARCIA was then going to proceed to the McAllen, Texas bus station, purchase a bus ticket, and proceed back to his residence in Garland, Texas. GARCIA stated he was going to be paid \$1000.00 United States Dollars (USD) for transporting the ammunition.

On April 14, 2021, during a debrief of GARCIA at the McAllen, Texas Federal Building, GARCIA advised Agents that the individual who hired him to transport the contraband he was encountered with on December 17, 2020 was "Brenda" and provided a cellular phone number of (214) 881-7494 for "Brenda".

On May 17, 2021, during a follow-up debrief of GARCIA at the McAllen, Texas Federal Building, GARCIA positively identified Brendalit Hernandez Alvarado, hereinafter HERNANDEZ, on a photographic lineup as being "Brenda" and provided the address for HERNANDEZ's house, which was 1210 Patricia Lane, Garland, Texas.

GARCIA stated HERNANDEZ had asked him previously about purchasing weapons (referencing some of the photographs of weapons that had been found in GARCIA's cellular phone), and that GARCIA told HERNANDEZ he knows people who sell guns. GARCIA stated the photographs in his cellular phone were photographs that he sent to HERNANDEZ, but HERNANDEZ would not purchase them because they were too expensive and could find them for a cheaper price.

GARCIA also stated HERNANDEZ asked him to help purchase some bullets.

GARCIA stated HERNANDEZ contacted a person in Hidalgo, Texas named "Sapo", at which time GARCIA stated he was offered \$1000.00 USD to transport the contraband.

GARCIA stated that HERNANDEZ purchased the ammunition that GARCIA was arrested with on December 17, 2020. GARCIA stated that he picked up the van and ammunition from HERNANDEZ's house in Garland, Texas.

An analysis of GARCIA's cellular phone revealed the following:

On November 30, 2020, HERNANDEZ's phone number, (214)881-9474, which is stored in GARCIA's cellular phone as "Brend Hernandez" sent a message to GARCIA with her address, "1210 patricia ln garland tx 75042."

On December 7, 2020, HERNANDEZ sends GARCIA several photographs of ammunition, to which GARCIA replies that he will try to find it.

On December 15, 2020, the Apple Maps application shows GARCIA located in the vicinity of 1210 Patricia Lane, Garland, Texas.

On December 15, 2020, Apple Maps shows GARCIA arriving at the location at approximately 8:09:54 PM and at 8:11:50 PM, he contacts HERNANDEZ via the WhatsApp application.

On December 15, 2020, at approximately 9:27:31 AM, GARCIA sent a text message to HERNANDEZ with phone number 524251477487, which is the number that GARCIA previously provided to Agents for "Sapo", who is alleged to be the facilitator in Mexico.

On December 15, 2020, HERNANDEZ tells GARCIA to go to the show in Mesquite.

On December 16, 2020, GARCIA sends HERNANDEZ photographs of ammunition.

On December 17, 2020, at approximately 6:41:22 AM, via WhatsApp, HERNANDEZ sent GARCIA a text with the following address: 721 W Joe Pate Blvd, Hidalgo, TX 78577, then HERNANDEZ deleted the message.